

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of:
Richard D. Dettinger et al.

Serial No.: 10/821,228

Confirmation No.: 9498

For: METHOD AND SYSTEM FOR
RELATIONSHIP BUILDING
FROM XML

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Filed: April 8, 2004

Group Art Unit: 2161

Examiner: Jared M. Bibbee

MAIL STOP APPEAL BRIEF - PATENTS
Commissioner for Patents
P.O. Box 1450
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February 29, 2008
Date

/John C. Garza/
John C. Garza

Dear Sir:

REPLY BRIEF

Applicants submit this Reply Brief to the Board of Patent Appeals and Interferences in response to Examiner's Answer mailed on December 31, 2007. While Applicants' maintain each of the arguments submitted in Applicants' previously submitted Appeal Brief, Applicants make the following further arguments in light of the Examiner's Answer. Please charge any additional fees that may be required to make this Reply Brief timely and acceptable to Deposit Account No. 09-0465/ROC920030347US1.

ARGUMENTS

1. Claims 1-3, 5-7, 9-12, 14-16, 18-21, 23-25, 27-30, 32-34, 36-38, 40-42, and 44 are not anticipated by *Depledge* under 35 U.S.C. § 102(b).

The Applicable Standard

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

The Examiner's Arguments

On pages 15-20 of an *Examiner's Answer*, the Examiner provides elaboration with respect to the Examiner's previously submitted arguments, suggesting that Applicants' arguments are not persuasive. In response, Applicants respectfully maintain that each of the arguments presented in *Applicants' Appeal Brief* are correct, and further provide the following arguments in response to the Examiner's Answer.

Applicants' Response to Examiner's Arguments

Regarding claims 1 and 11, the Examiner states:

The second physical representation is distinct from the logical representation in that the differential entries stored in the bitmapped index are stored completely separate in storage and are used to update the logical bitmap representation. Therefore, both representations are two totally different/distinct relationships.

Examiner's Answer, page 12. Here, the Examiner argues that each differential entry in the bitmapped index (e.g., differential entries 610, 612 shown in Fig. 8) constitutes a

distinct representation of the data. Applicants respectfully disagree. As shown in Fig. 8, the differential entries 610, 612 are rows included in a single bitmapped index 600, and thus are not "stored completely separate." However, even if we assume, *arguendo*, that each differential entry is a distinct representation of the data, this point is irrelevant to the argument at hand. That is, the storage of the differential entries is immaterial to the Examiner's analogy to *Depledge*, which requires that "Key" column and "Bitmap" column of bitmapped index 200 read on distinct elements of the present claims (*i.e.*, a "second physical representation of data" and a "logical representation of data," respectively). See *Final Office Action*, p.17. Since the columns of bitmapped index 200 are clearly not distinct representations of data, Applicants submit that the Examiner's analogy to *Depledge* is incorrect.

The third element of claim 1 recites: "*generating logical relationships abstractly describing the determined corresponding relationships, each logical relationship defining a path between data structures of the second physical representation.*" Independent claims 11, 19, 29, 35 and 44 include similar limitations. The Examiner argues that "the 'Bitmap' column supplies bits, which define a route in order for a system to logically navigate to the customers which have a location of NORTH." *Examiner's Answer*, page 19. Thus, it appears that the Examiner is arguing that the bits read on the recited "logical relationships defining a path." However, Applicants submit that the Examiner fails to address the argument made in *Applicants' Appeal Brief*, namely that, following the Examiner's analogy, this claim element would be translated as:

generating logical relationships abstractly describing the determined corresponding relationships, each logical relationship defining a path between data structures of the Key Column ("second physical representation") of the Bitmapped Index 200.

The examiner fails to explain how the "data structures" of the Key column are represented in this analogy. Even if we assume, *arguendo*, that the data structures are the values of the Key column (*i.e.*, "NORTH", "SOUTH", "EAST", "WEST"), it makes no sense to define a "path" between these values. Further, the bits of the "Bitmap" table do

not abstractly describe the “determined corresponding relationships” recited in the claims. Applicants submit that the Examiner’s analogy does not conform to this limitation, and is thus invalid.

Regarding claims 18 and 36, the Examiner fails to address how *Depledge* teaches the recited step of “transforming, by operation of a processor, the abstract query into an executable query capable of being executed against the physical data.” Instead, the Examiner asserts “[n]ote that in figure 3 was an abstract query at some point and is now being shown as the executed query portraying the results in a logical manner.” *Examiner’s Answer*, page 20. Applicants submit that Figure 3 illustrates a set of query results, which in no way discloses transforming one query into another query. Note that the recited “executable query” is “capable of being executed,” and is thus clearly not yet executed.

For the foregoing reasons, applicants respectfully submit that *Depledge* does not teach “each and every element” of the recited claim. Therefore, the claims are believed to be allowable, and allowance of the claims is respectfully requested.

2. Claims 4, 8, 13, 17, 22, 26, 31, 35, 39, and 43 are not unpatentable over *Depledge* as applied to claims above, and in view of *Murthy*, under 35 U.S.C. § 103(a).

Claims 4, 8, 13, 17, 22, 26, 31, 35, 39, and 43 depend, directly or indirectly, on claims that are believed to be allowable, for reasons discussed above. Accordingly, Applicants submit these claims are also allowable and respectfully request withdrawal of this rejection.

CONCLUSION

1. Claims 1-3, 5-7, 9-12, 14-16, 18-21, 23-25, 27-30, 32-34, 36-38, 40-42, and 44 are anticipated by *Depledge*; and
2. Claims 4, 8, 13, 17, 22, 26, 31, 35, 39, and 43 are unpatentable over *Depledge* in view of *Murthy*.

Withdrawal of the rejections and allowance of all claims is respectfully requested.

Respectfully submitted, and
S-signed pursuant to 37 CFR 1.4,

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